

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

EARL CROSBY, Individually, and as  
Successor-In-Interest of the Estate of  
TEVIN EUGENE CROSBY; LISA  
CROSBY; SHENETRA PARKER-HARRIS;  
CHAVIS CROSBY; and

No. 2:16-cv-14406-DML-DRG

Hon. David M. Lawson

JUAN RAMON GUERRERO, Individually,  
and as interim Successor-In-Interest of the Estate of  
JUAN RAMON GUERRERO, JR.;  
MAYA GUERRERO; and

YAZMIN REYES, Individually, and as  
Successor-In-Interest of the Estate of  
JAVIER JORGE-REYES; PEDRO JORGE  
DIAZ; IRIS REYES SANTIAGO; PEDRO  
JORGE REYES; GABRIEL JORGE REYES;  
and LIZ M. JORGE-REYES; and

CHRISTINE LEINONEN, Individually and as  
Proposed Successor-In-Interest of the Estate of  
CHRISTOPHER LEINONEN; and

LYDIA PEREZ, Individually  
and as Successor-In-Interest of the Estate  
of JEAN CARLOS MENDEZ PEREZ;  
ANGEL MENDEZ; ALVIN MENDEZ; and

CARLOS SANFELIZ and  
MARIA C. SANFELIZ-MENDOZA,  
Individually and as Successors-In-Interest  
Of the Estate of CHRISTOPHER  
JOSEPH SANFELIZ; and

JOSE LUIS VIELMA, Individually and  
as Successor-In-Interest  
Of the Estate of LUIS SERGIO VIELMA; and

JACKSON J. JOSAPHAT, Individually, and as  
Successor-In-Interest of the Estate of  
JASON B. JOSAPHAT; and

STANLEY ALMODOVAR, Individually  
And as Successor-In-Interest of the Estate of  
STANLEY ALMODOVAR III; and

CHRIS LITTLESTAR, Individually; and

NICHOLAZ PEREZ, Individually; and

ASAEL ABAD, Individually; and

JILLIAN AMADOR, Individually.

*Plaintiffs,*

v.

TWITTER, INC., GOOGLE, INC.,  
FACEBOOK, INC.

*Defendants.*

\_\_\_\_\_ /

*There is no other pending or resolved civil action  
between these parties arising out of the same  
transaction or occurrence alleged in this complaint.*

### **FIRST AMENDED COMPLAINT**

NOW COME Plaintiffs, by and through their attorneys, and allege the  
following against Defendants Twitter, Inc., Google, Inc., Facebook, Inc.  
("Defendants"):

### **NATURE OF ACTION**

1. For years, Defendants have knowingly and recklessly provided the terrorist group ISIS with accounts to use its social networks as a tool for spreading extremist propaganda, raising funds, and attracting new recruits. This material support has been instrumental to the rise of ISIS and has enabled it to carry out or cause to be carried out, numerous terrorist attacks, including June 12, 2016, attack in Orlando where 53 were injured and 49 were killed, including Tevin Eugene Crosby, Juan Guerrero, Javier Jorge-Reyes, Christopher Leinonen, Jean Carlos Mendez Perez, Christopher Joseph Sanfeliz, Jose Luis Vielma, Jason Josaphat, Stanley Almodovar, Chris Littlestar, Nicholaz Perez, Asael Abad, Jillian Amador<sup>1</sup>. Defendants are information content providers because they create unique content by combining ISIS postings with advertisements in a way that is specifically targeted at the viewer. Defendants share revenue with ISIS for its content and profit from ISIS postings through advertising revenue.
2. Without Defendants Twitter, Facebook, and Google (YouTube), the explosive growth of ISIS over the last few years into the most feared terrorist group in the world would not have been possible. According to the Brookings Institution, ISIS “has exploited social media, most notoriously Twitter, to send

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<sup>1</sup> <http://www.cnn.com/interactive/2016/06/us/orlando-attack-victims/>

its propaganda and messaging out to the world and to draw in people vulnerable to radicalization.”<sup>2</sup> Using Defendants’ sites, “ISIS has been able to exert an outsized impact on how the world perceives it, by disseminating images of graphic violence (including the beheading of Western journalists and aid workers) . . . while using social media to attract new recruits and inspire lone actor attacks.” According to FBI Director James Comey, ISIS has perfected its use of Defendants’ sites to inspire small-scale individual attacks, “to crowdsource terrorism” and “to sell murder.”

3. Since first appearing on Twitter in 2010, ISIS accounts on Twitter have grown at an astonishing rate and, until recently, ISIS maintained official accounts on Twitter unfettered. These official accounts included media outlets, regional hubs and well-known ISIS members, some with tens of thousands of followers. For example, Al-Furqan, ISIS’s official media wing responsible for producing ISIS’s multimedia propaganda, maintained a dedicated Twitter page where it posted messages from ISIS leadership as well as videos and images of beheadings and other brutal forms of executions to 19,000 followers.
4. Likewise, Al-Hayat Media Center, ISIS’s official public relations group, maintained at least a half dozen accounts, emphasizing the recruitment of Westerners. As of June 2014, Al-Hayat had nearly 20,000 followers.

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<sup>2</sup> <https://www.brookings.edu/blog/markaz/2015/11/09/how-terrorists-recruit-online-and-how-to-stop-it/>



*Figure 1 Tweet by Al-Hayat Media Center Account @alhayaten Promoting an ISIS Recruitment Video*

5. Another Twitter account, @ISIS\_Media\_Hub, had 8,954 followers as of September 2014.



*Figure 2 ISIS Propaganda Posted on @ISIS\_Media\_Hub*

6. As of December 2014, ISIS had an estimated 70,000 Twitter accounts, at least 79 of which were “official,” and it posted at least 90 tweets every minute.
7. As with Twitter, ISIS has used Google (YouTube) and Facebook in a similar manner.

8. Plaintiffs' claims are based not upon the content of ISIS' social media postings, but upon Defendants provision of the infrastructure which provides material support to ISIS. Furthermore, Defendants profit from ISIS by placing ads on ISIS' postings. For at least one of the Defendants, Google, revenue earned from advertising is shared with ISIS. Lastly, Defendants incorporate ISIS' postings to create unique content by combining the ISIS postings with advertisements selected by Defendants based upon ISIS' postings and the viewer looking at the postings and the advertisements.

### **PARTIES**

9. Plaintiff Earl Crosby is a citizen of the United States domiciled in the State of North Carolina and is the father of Tevin Eugene Crosby. He brings this lawsuit on behalf of himself and as a successor-in-interest of the estate of his son Tevin Eugene Crosby, a U.S. citizen and domiciliary of Michigan at the time of his death.
10. Plaintiff Lisa Crosby is a citizen of the United States domiciled in the State of North Carolina and is the mother of Tevin Eugene Crosby.
11. Plaintiff Shenetra Parker-Harris is a citizen of the United States domiciled in the State of North Carolina and is the sister of Tevin Eugene Crosby.
12. Plaintiff Chavis Crosby is a citizen of the United States domiciled in the State of North Carolina and is the brother of Tevin Eugene Crosby.

13. Plaintiff Juan Ramon Guerrero is a citizen of the United States domiciled in the State of Florida. He brings this lawsuit on behalf of himself and as a successor-in-interest of the estate of her brother Juan Ramon Guerrero Jr., a U.S. citizen and domiciliary of Florida at the time of his death.
14. Plaintiff Maya Guerrero is a citizen of the United States domiciled in the State of Florida and is the mother of Juan Ramon Guerrero Jr.
15. Plaintiff Yazmin Reyes is a citizen of the United States domiciled in the State of Michigan. She brings this lawsuit on behalf of herself and as a successor-in-interest of the estate of her brother Javier Jorge-Reyes, a U.S. citizen and domiciliary of Florida at the time of his death.
16. Plaintiff Pedro Jorge Diaz is a citizen of the United States domiciled in the State of Florida and is the father of Javier Jorge-Reyes.
17. Plaintiff Iris Reyes Santiago is a citizen of the United States domiciled in the State of Florida and is the mother of Javier Jorge-Reyes.
18. Plaintiff Pedro Jorge-Reyes is a citizen of the United States domiciled in the State of Arizona and is the brother of Javier Jorge-Reyes.
19. Plaintiff Gabriel Jorge-Reyes is a citizen of the United States domiciled in the State of Florida and is the brother of Javier Jorge-Reyes.
20. Plaintiff Liz. M. Jorge-Reyes is a citizen of the United States domiciled in the State of Florida and is the sister of Javier Jorge-Reyes.

21. Plaintiff Christine Leinonen is a citizen of the United States domiciled in the State of Florida and is the mother of Christopher Leinonen. She brings this lawsuit on behalf of herself and as a proposed successor-in-interest of the estate of her son Christopher Leinonen, a U.S. citizen and domiciliary of Florida at the time of his death.
22. Plaintiff Lydia Perez is a citizen of the United States domiciled in the State of Florida and is the mother of Jean Carlos Mendez Perez. She brings this lawsuit on behalf of herself and as a successor-in-interest of the estate of her son Jean Carlos Mendez Perez, a U.S. citizen and domiciliary of Florida at the time of his death.
23. Plaintiff Angel Mendez is a citizen of the United States domiciled in the State of Arizona and is the brother of Jean Carlos Mendez Perez.
24. Plaintiff Alvin Mendez is a citizen of the United States domiciled in the State of Arizona and is the brother of Jean Carlos Mendez Perez.
25. Plaintiff Carlos Sanfeliz is a citizen of the United States domiciled in the State of Florida and is the father of Christopher Joseph Sanfeliz. He brings this lawsuit on behalf of himself and as a successor-in-interest of the estate of his son Christopher Joseph Sanfeliz, a U.S. citizen and domiciliary of Florida at the time of his death.



26. Plaintiff Maria C, Sanfeliz-Mendoza is a citizen of the United States domiciled in the State of Florida and is the mother of Christopher Joseph Sanfeliz. She brings this lawsuit on behalf of himself and as a successor-in-interest of the estate of her son Christopher Joseph Sanfeliz, a U.S. citizen and domiciliary of Florida at the time of his death.
27. Plaintiff Jose Luis Vielma is a citizen of the United States domiciled in the State of Florida and is the father of Luis Sergio Vielma. He brings this lawsuit on behalf of himself and as a successor-in-interest of the estate of his son Luis Sergio Vielma, a U.S. citizen and domiciliary of Florida at the time of his death.
28. Plaintiff Jackson J. Josaphat is a citizen of the United States domiciled in the State of Florida and is the father of Jason B. Josaphat. He brings this lawsuit on behalf of himself and as a successor-in-interest of the estate of his son Jason B. Josaphat, a U.S. citizen and domiciliary of Florida at the time of his death.
29. Plaintiff Stanley Almodovar is a citizen of the United States domiciled in the State of Tennessee and is the father of Stanley Almodovar III. He brings this lawsuit on behalf of himself and as a successor-in-interest of the estate of his son Stanley Almodovar III, a U.S. citizen and domiciliary of Florida at the time of his death.
30. Plaintiff Chris Littlestar is a citizen of the United States domiciled in the State of Florida.

31. Plaintiff Nicholaz Perez is a citizen of the United States domiciled in the State of Florida.
32. Plaintiff Asael Abad is a citizen of the United States domiciled in the State of Florida.
33. Plaintiff Jillian Amador is a citizen of the United States domiciled in the State of Florida.
34. Defendant Twitter, Inc. (“Twitter”) is a publicly traded U.S. company incorporated in Delaware, with its principal place of business at 1355 Market Street, Suite 900, San Francisco, California 94103.
35. Defendant Facebook, Inc. (“Facebook”) is a publicly traded U.S. company incorporated in Delaware, with its principal place of business at 1601 Willow Road, Menlo Park, California, 94025.
36. Defendant Google Inc. (“Google”) is a publicly traded U.S. company incorporated in Delaware, with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California, 94043. Google owns the social media site YouTube. For the purposes of this complaint, Google and YouTube are used interchangeably.

### **JURISDICTION AND VENUE**

37. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331 and 18 U.S.C. § 2333(a) as a civil action brought by a citizen of

the United States injured by reason of an act of international terrorism and the estate, survivor, or heir of a United States citizen injured by reason of an act of international terrorism.

38. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and 18 U.S.C. § 2333(a) because one of the decedents was a resident of the Eastern District of Michigan, one of the Plaintiffs is a resident of the Eastern District of Michigan, and Defendants conduct significant business operations in the state of Michigan.

### **ALLEGATIONS**

39. ISIS, which stands for the Islamic State of Iraq and Syria, is also known as the Islamic State of Iraq and the Levant (“ISIL”), the Islamic State (“IS”), ad-Dawlah al-Islāmiyah fil-‘Irāq wash-Shām (“DAESH”) and al-Qaeda in Iraq (“AQI”).
40. Originally affiliated with al Qaeda, ISIS’s stated goal is the establishment of a transnational Islamic caliphate, *i.e.* an Islamic state run under strict Sharia law. By February 2014, however, ISIS’s tactics had become too extreme for even al Qaeda and the two organizations separated.
41. Since its emergence in Iraq in the early 2000’s when it was known as AQI, ISIS has wielded increasing territorial power, applying brutal, terrifying violence to attain its military and political goals, including summary executions, mass

beheadings, amputations, shootings and crucifixions, which it applies to anyone it considers an “unbeliever,” a “combatant” or a “prisoner of war.”

42. The United Nations and International NGOs have condemned ISIS for war crimes and ethnic cleansing, and more than 60 countries are currently fighting to defeat ISIS and prevent its expansion.

43. On December 17, 2004, the United States designated ISIS as a Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act, as amended.

**ISIS is Dependent on Twitter, YouTube, and Facebook to Terrorize**

**ISIS Uses Defendants to Recruit New Terrorists**

44. One of ISIS’s primary uses of Defendants’ sites is as a recruitment platform, particularly to draw fighters from Western countries.

45. ISIS reaches potential recruits by maintaining accounts on Twitter, YouTube, and Facebook so that individuals across the globe may reach out to them directly. After the first contact, potential recruits and ISIS recruiters often communicate via Defendants’ Direct Messaging capabilities. According to FBI Director James Comey, “[o]ne of the challenges in facing this hydra-headed monster is that if (ISIS) finds someone online, someone who might be willing to travel or kill in place they will begin a Twitter direct messaging contact.” Indeed, according to the Brookings Institution, some ISIS members “use Twitter purely for private messaging or covert signaling.”

46. In addition to individual recruitment, ISIS members use Defendants to post instructional guidelines and promotional videos referred to as “mujatweets.”
47. For example, in June 2014, ISIS fighters tweeted guidelines in English targeting Westerners and instructing them on how to travel to the Middle East to join its fight.
48. That same month, ISIS posted a recruitment video on various social media sites, including Defendants. Although YouTube removed the video from its site, the link remained available for download from Twitter. The video was further promoted through retweets by accounts associated with ISIS.
49. ISIS also posted its notorious promotional training video, “Flames of War,” narrated in English, in September 2014. The video was widely distributed on Twitter through ISIS sympathizers. After joining ISIS, new recruits become propaganda tools themselves, using Defendants to advertise their membership and terrorist activities.
50. For example, in May 2013, a British citizen who publicly identified himself as an ISIS supporter tweeted about his touchdown in Turkey before crossing the border into Syria to join ISIS in the fight against the Syrian regime. And in December 2013, the first Saudi Arabian female suicide bomber to join ISIS in Syria tweeted her intent to become a martyr for the ISIS cause, as she embarked for Syria.
51. As another example, two Tunisian girls, ages 19 and 21, were lured by ISIS’s use of Facebook to travel to Syria believing they would be providing

humanitarian aid<sup>3</sup>. Instead, they were taken to an ISIS compound where there were forced to serve as prostitutes and were repeatedly raped. The girls escaped during a bombing of the compound and returned home.

52. Recently, it was reported that the leader of ISIS in the United Kingdom, Omar Hussain, was using Facebook to recruit terrorists to launch attacks in the U.K.<sup>4</sup>

53. After kidnapping and murdering Ruqia Hassan Mohammad, a female journalist and activist, ISIS used her account to lure others into supporting ISIS<sup>5</sup>.

54. Through its use of Defendants' sites, ISIS has recruited more than 30,000 foreign recruits since 2013, including some 4,500 Westerners and 250 Americans.

### **ISIS Uses Defendants to Fund Terrorism**

55. ISIS also uses Defendants to raise funds for its terrorist activities.

56. According to David Cohen, the U.S. Treasury Department's Under Secretary for Terrorism and Financial Intelligence, "[y]ou see these appeals on Twitter in particular from, you know, well-know[n] terrorist financiers . . . and they're quite explicit that these are to be made to ISIL for their military campaign."

57. The Financial Action Task Force confirms that "individuals associated with ISIL have called for donations via Twitter and have asked the donors to contact

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<sup>3</sup> <http://www.teenvogue.com/story/isis-recruits-american-teens>

<sup>4</sup> <http://www.mirror.co.uk/news/uk-news/british-isis-leader-using-facebook-7545645?>

<sup>5</sup> <http://www.independent.co.uk/news/world/middle-east/ruqia-hassan-mohammed-the-activist-and-citizen-journalist-that-isis-murdered-and-then-posed-as-for-a6798111.html>

them.” These tweets even promote “donation tiers.” One ISIS-linked cleric with the Twitter account @Jahd\_bmalk, for instance, sought donations for weapons with the slogan “Participate in Jihad with your Money.” The account tweeted that “if 50 dinars is donated, equivalent to 50 sniper rounds, one will receive a ‘silver status.’ Likewise, if 100 dinars is donated, which buys eight mortar rounds, the contributor will earn the title of ‘gold status’ donor.” According to various tweets from the account, over 26,000 Saudi Riyals (almost \$7,000) were donated.



Figure 3 Fundraising Images from ISIS Twitter Accounts

58. A similar Twitter campaign in the spring of 2014 asked followers to “support the Mujahideen with financial contribution via the following reliable accounts” and provided contact information for how to make the requested donations.

In its other Twitter fundraising campaigns, ISIS has posted photographs of cash, gold bars and luxury cars that it received from donors, as well as weapons purchased with the proceeds.





*Figure 4 Donations to ISIS Publicized on Twitter*

59. As discussed more fully below, YouTube approves of ISIS videos allowing for ads to be placed with ISIS videos. YouTube earns revenue from these advertisements and shares a portion of the proceeds with ISIS.
60. Below is an example of a video posted by ISIS on YouTube with a member speaking in French looking for Muslims to support ISIS's cause online.



*Figure 5 Screenshot from ISIS Video Posted on June 17, 2015*



### **ISIS Uses Defendants' Sites to Spread Its Propaganda**

61. ISIS also uses Defendants' sites to spread propaganda and incite fear by posting graphic photos and videos of its terrorist feats.
62. Through Defendants' sites, ISIS disseminates its official media publications as well as posts about real-time atrocities and threats to its perceived enemies.
63. In October 2013, ISIS posted a video of a prison break at the Abu Ghraib prison in Iraq, and its subsequent execution of Iraqi army officers.
64. In November 2013, an ISIS-affiliated user reported on Twitter that ISIS had killed a man it mistakenly believed to be Shiite. Another post by an ISIS account purported to depict Abu Dahr, identified as the "suicide bomber that attacked the Iranian embassy."
65. In December 2013, an ISIS-affiliated user tweeted pictures of what it described as the killing of an Iraqi cameraman.
66. In June 2014, ISIS tweeted a picture of an Iraqi police chief, sitting with his severed head perched on his legs. The accompanying tweet read: "This is our ball . . . it has skin on it." ISIS then hashtagged the tweet with the handle #WorldCup so that the image popped up on the feeds of millions following the soccer challenge in Brazil.
67. On July 25, 2014, ISIS members tweeted photos of the beheading of around 75 Syrian soldiers who had been captured during the Syrian conflict.

68. In August 2014, an Australian member of ISIS tweeted a photo of his seven-year-old son holding the decapitated head of a Syrian soldier.
69. Also in August 2014, ISIS member Abu Musaab Hafid al-Baghdadi posted photos on his Twitter account showing an ISIS militant beheading a blindfolded captured Lebanese Army Sergeant Ali al-Sayyed.
70. That same month, ISIS supporters tweeted over 14,000 tweets threatening Americans under the hashtags #WaronWhites and #AMessagefromISIS to US, including posting gruesome photos of dead and seriously injured Allied soldiers. Some of the photos depicted U.S. marines hung from bridges in Fallujah, human heads on spikes and the twin towers in flames following the 9/11 attacks. Other messages included direct threats to attack U.S. embassies around the world, and to kill all Americans “wherever you are.”
71. Various ISIS accounts have also tweeted pictures and videos of the beheadings of Americans James Foley, Steven Sotloff, and Peter Kassig.
72. To keep its membership informed, in April 2014, ISIS created an Arabic-language Twitter App called “The Dawn of Glad Tidings,” or “The Dawn,” which posts tweets to thousands of users’ accounts, the content of which is controlled by ISIS’s social media operation. The tweets include hashtags, links, and images related to ISIS’s activities. By June 2014, the app reached a high of 40,000 tweets in one day as ISIS captured Mosul, Iraq.

73. ISIS has also used Twitter to coordinate hashtag campaigns, whereby it enlists thousands of members to repetitively tweet hashtags at certain times of the day so that they trend on Twitter, meaning a wider number of users are exposed to the tweets. One such campaign dubbed a “Twitter storm,” took place on June 8, 2014, and led to a surge in followers.
74. In 2014, propaganda operatives from ISIS posted videos of photojournalist John Cantile and other captors on both Twitter and YouTube<sup>6</sup>. These operatives used various techniques to ensure that ISIS’ posting was spread using Defendants’ sites. In her New York Times article, (Not “Lone Wolves” After All: How ISIS Guides World’s Terror Plots From Afar-2/5/17), Rakmini Callimachi acknowledges that because of Twitter and other social media, “In the most basic enabled attacks Islamic State handlers acted as confidants and coaches, coaxing recruits to embrace violence. ... Because the recruits are instructed to use encrypted messaging applications, the guiding role played by the terrorist group often remains obscured. As a result, remotely guided plots in Europe, Asia, and the United States ... were initially labeled the work of “lone wolves”, ... and only later discovered to have direct communications with the group discovered.”

### **Defendants Knowingly Permit ISIS to Use Their Social Network**

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<sup>6</sup> <http://www.theguardian.com/world/2014/sep/24/isis-Twitter-youtube-message-social-media-jihadi>

**The Use of Twitter by Terrorists Has Been Widely Reported**

75. For years, the media has reported on the ISIS's use of Defendants' social media sites and their refusal to take any meaningful action to stop it.
76. In December 2011, the New York Times reported that the terrorist group al-Shabaab, "best known for chopping off hands and starving their own people, just opened a Twitter account and have been writing up a storm, bragging about recent attacks and taunting their enemies."
77. That same month, terrorism experts cautioned that "Twitter terrorism" was part of "an emerging trend" and that several branches of al Qaeda were using Twitter to recruit individuals, fundraise and distribute propaganda more efficiently. New York Times correspondent, Rukmini Callimachi, probably the most significant reporter covering terrorism, acknowledges that social media and specifically Twitter, allows her to "get inside the minds of ISIS". Moreover, Callimachi acknowledges, "Twitter is the main engine" in ISIS communication, messaging and recruiting. "Al Qaeda (and now ISIS) have created a structure that was meant to regenerate itself and no longer be dependent on just one person (bin Laden). The Ideology is now a living, breathing thing, because of Twitter. You no longer have to go to some closed dark-web forum to see their stuff." Using Twitter, you don't need to even know the exact address to gain access to messages. "With Twitter, you can guess; you look for certain words and you end up finding these accounts. And then it's kind of organic; You go to

one account, then you go to their followers and you follow all those people, and suddenly you're in the know. " (Rukmini Callimachi, Wired.com, 8/3/16.)

78. On November 20, 2015, Business Insider reported that ISIS members have been providing a 34-page guide to operational security and communications available through multiple social medium platforms which delivers instructions to users about communications methods including specifics in the use of Twitter, for purposes of recruiting and radicalizing in the United States. Twitter
79. On October 14, 2013, the BBC issued a report on "The Sympatic," "one of the most important spokesmen of the Islamic State of Iraq and the Levant on the social contact website Twitter" who famously tweeted: "I swear by God that with us there are mujahideen who are not more than 15 years old!! Where are the men of the [Arabian] Peninsula? By God, shame on you."
80. On October 31, 2013, Agence France-Presse reported on an ISIS video depicting a prison break at Abu Ghraib and the execution of Iraqi army officers that was "posted on jihadi forums and Twitter."
81. On June 19, 2014, CNN reported on ISIS's use of Twitter to raise money for weapons, food, and operations. The next day, Seth Jones, Associate Director of International Security and Defense Policy Center, stated in an interview on CNN that Twitter was widely used by terrorist groups like ISIS to collect information, fundraise and recruit. "Social media is where it's at for these groups," he added.

82. On August 21, 2014, after ISIS tweeted out the graphic video showing the beheading of American James Foley, the Wall Street Journal warned that Twitter could no longer afford to be the “Wild West” of social media.
83. In September 2014, Time Magazine quoted terrorism expert Rita Katz, who observed that “[f]or several years, ISIS followers have been hijacking Twitter to freely promote their jihad with very little to no interference at all. . . . Twitter’s lack of action has resulted in a strong, and massive pro-ISIS presence on their social media platform, consisting of campaigns to mobilize, recruit and terrorize.”

**The Use of Facebook by ISIS has been widely reported**

84. On January 10, 2012, CBC News Released an article stating that Facebook is being used by terrorist organizations for recruitment and to gather military and political intelligence "Many users don't even bother finding out who they are confirming as 'friend' and to whom they are providing access to a large amount of information on their personal life. The terrorists themselves, in parallel, are able to create false profiles that enable them to get into highly visible groups," he said<sup>7</sup>.

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<sup>7</sup> <http://www.cbc.ca/news/technology/terrorist-groups-recruiting-through-social-media-1.1131053>

85. On January 10, 2014, the Washington post released an article titled *Why aren't YouTube, Facebook, and Twitter doing more to stop terrorists from inciting violence?*<sup>8</sup>
86. In June 2014, the Washington times reported that Facebook is refusing to take down a known ISIS terror group fan page that “has nearly 6,000 members and adoringly quotes Abu Musab al-Zarqawi, founder of al-Qaeda in Iraq who was killed by U.S. forces in 2006.”<sup>9</sup>
87. On August 21, 2014, the anti-defamation league explained that ISIS supporters on Twitter have “not only promoted ISIS propaganda (primarily in English) but has also directed supporters to his English-language Facebook pages (continuously replacing pages as they are removed by Facebook for content violation) that do the same.”<sup>10</sup>
88. On October 28, 2015, at the Radicalization: Social Media And The Rise Of Terrorism hearing it was reported that Zale Thompson who attacked four New York City Police Officers with an ax posted on Facebook “Which is better, to sit around and do nothing or to wage jihad.”<sup>11</sup>

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<sup>8</sup> <https://www.washingtonpost.com/posteverything/wp/2014/07/10/farrow-why-arent-youtube-facebook-and-twitter-doing-more-to-stop-terrorists-from-inciting-violence/>

<sup>9</sup> <http://www.washingtontimes.com/news/2014/jun/16/hasain-facebook-refuses-take-down-isis-terror-group/>

<sup>10</sup> <http://www.adl.org/combatting-hate/international-extremism-terrorism/c/isis-islamic-state-social-media.html?referrer=https://www.google.com/#.Vzs0xfkrIdU>

<sup>11</sup> <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Purdy-TRC-Testimony.pdf>

89. At this same hearing, it was also reported that in September 2014 “Alton Nolen, a convert to Islam and ex-convict who had just been fired from his job at a food processing plant, entered his former workplace and beheaded an employee with a knife. This attack combines elements of workplace violence and terrorism. Nolen had been a voracious consumer of IS propaganda, a fact reflected on his Facebook page.<sup>12</sup>”
90. On November 11, 2015, it was reported that one of the attackers from a terrorist bus attack two weeks prior “was a regular on Facebook, where he had already posted a “will for any martyr.” Very likely, they made use of one of the thousands of posts, manuals and instructional videos circulating in Palestinian society these last few weeks, like the image, shared by thousands on Facebook, showing an anatomical chart of the human body with advice on where to stab for maximal damage.<sup>13</sup>”
91. On December 4, 2015, The Counter Extremism Project released a statement that “Today’s news that one of the shooters in the San Bernardino attack that killed 14 innocent people pledged allegiance to ISIS in a Facebook posting demonstrates once again that the threat of ISIS and violent Islamist extremist ideology knows no borders.<sup>14</sup>”

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12 <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Gartenstein-Ross-FDD-Testimony.pdf>

13 [http://www.nytimes.com/2015/11/03/opinion/the-facebook-intifada.html?\\_r=1](http://www.nytimes.com/2015/11/03/opinion/the-facebook-intifada.html?_r=1)

14 <http://www.counterextremism.com/press/counter-extremism-project-releases-statement-news-san-bernardino->



92. On April 8, 2016, the Mirror reported that “Jihadi fighters in the Middle East are using Facebook to buy and sell heavy duty weaponry” and that “Fighters in ISIS-linked regions in Libya are creating secret arms bazaars and hosting them on the massive social network. Because of Facebook's ability to create groups and to send secure payments through its Messenger application, it works as the perfect platform for illegal deals.”<sup>15</sup>

**The Use of YouTube by ISIS has been widely reported**

93. The media has widely reported on terrorists’ use of YouTube and YouTube’s refusal to take any meaningful action to stop it.

94. On July 7, 2014, CBS Local reported that “militants post beheading videos on sites like Google’s YouTube, giving an image the chance to go viral before being shut down.”<sup>16</sup>

95. On March 1, 2015, the New York Times reported that “some of the most sophisticated recruitment efforts by the Islamic State, particularly online, are geared toward Westerners, featuring speakers who are fluent in English. For instance, in a video available on YouTube and Facebook, the Islamic State has

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[shooter-pledged-allegiance?utm\\_content=buffer38967&utm\\_medium=social&utm\\_source=facebook.com&utm\\_campaign=buffer#sthash.iJjhU3bF.dpuf](http://www.mirror.co.uk/tech/isis-terrorists-use-facebook-buy-7713893)

<sup>15</sup> <http://www.mirror.co.uk/tech/isis-terrorists-use-facebook-buy-7713893>

<sup>16</sup> <http://sanfrancisco.cbslocal.com/2015/07/24/should-Twitter-facebook-be-held-liable-for-a-terrorist-attack/>

manipulated the video game Grand Theft Auto, making the game's officers look like New York police officers and showing how a militant could attack them.<sup>17</sup>”

96. On March 3, 2015, CNN Money reported that YouTube was placing advertisements in front of ISIS videos<sup>18</sup>.

97. On March 10<sup>th</sup> 2015, Death and Taxes released an article titled *Beer ads keep showing up on ISIS YouTube videos*<sup>19</sup>.

98. On March 10<sup>th</sup> 2015, NBC News released an article titled *Ads Shown Before YouTube ISIS Videos Catch Companies Off-Guard*<sup>20</sup>.

99. On March 11, 2015, NewsMediaRockstars.com reported that “Major corporations like Procter and Gamble, Anheuser-Busch, and Toyota have all been forced to make apologies after ads for their products started rolling in front of ISIS recruiting videos which have been cropping up ever more frequently on the site.<sup>21</sup>”

100. On August 6, 2015, Journal-Neo.org reported that “The well-known online video platform YouTube serves as the main media platform of these radical fighters.<sup>22</sup>”

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17 [http://www.nytimes.com/2015/03/01/nyregion/brooklyn-arrests-highlight-challenges-in-fighting-of-isis-and-known-wolves.html?\\_r=0](http://www.nytimes.com/2015/03/01/nyregion/brooklyn-arrests-highlight-challenges-in-fighting-of-isis-and-known-wolves.html?_r=0)

18 <http://money.cnn.com/2015/03/03/technology/isis-ads-youtube/>

19 <http://www.deathandtaxesmag.com/239510/beer-ads-keep-showing-up-on-isis-youtube-videos/>

20 <http://www.nbcnews.com/storyline/isis-terror/ads-shown-isis-videos-youtube-catch-companies-guard-n320946>

21 <http://newmediarockstars.com/2015/03/advertisers-apologize-for-ads-shown-on-isis-youtube-videos/>

22 <http://journal-neo.org/2015/06/08/hi-tech-tools-of-isis-propaganda/>

101. On April 28, 2015, MusicTechPolicy.com reported that the Islamic State has released a new YouTube video “showcasing recent battles in the Al Sufiyah area of eastern Ramadi. Approximately 30 Iraqi police have been killed and around 100 more have been injured in recent days in the western provincial capital.”<sup>23</sup>
102. In March 2016, the Morning Consult reported that “a video ad from a pro-Ted Cruz Super PAC (Reigniting the Promise PAC) was the inadvertent prelude to a video produced by an official media outlet of the Islamic State terror group. The outlet, Al-Hayat Media Center, produces propaganda for ISIS. Digital Citizens Alliance says it’s likely an ISIS supporter uploaded that video.”
103. In March 2016 the digital citizens’ alliance found several examples of campaign ads placed on ISIS videos<sup>24</sup>.

**Defendants Have Rebuffed Numerous Requests to Comply with U.S. Law**

104. Throughout this period, both the U.S. government and the public at large have urged Defendants to stop providing its services to terrorists.
105. In December 2011, an Israeli law group threatened to file suit against Twitter for allowing terrorist groups like Hezbollah to use its social network in violation of U.S. anti-terrorism laws.

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<sup>23</sup> <https://musictechpolicy.com/2015/04/28/live-from-youtubeistan-google-still-providing-material-support-for-isis/>

<sup>24</sup> <https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-a4d5-5d6453acc2cd.pdf>

106. In December 2012, several members of Congress wrote to FBI Director Robert Mueller asking the Bureau to demand that the Twitter block the accounts of various terrorist groups.
107. In a committee hearing held on August 2, 2012, Rep. Ted Poe, chair of the House Foreign Affairs Subcommittee on Terrorism, lamented that “when it comes to a terrorist using Twitter, Twitter has not shut down or suspended a single account.” “Terrorists are using Twitter,” Rep. Poe added, and “[i]t seems like it’s a violation of the law.” In 2015, Rep. Poe again reported that Twitter had consistently failed to respond sufficiently to pleas to shut down clear incitements to violence by terrorists.
108. Recently, former Secretary of State Hillary Clinton has urged Defendants to become more aggressive in preventing ISIS from using its network. “Resolve means depriving jihadists of virtual territory, just as we work to deprive them of actual territory,” she told one audience. Later, Secy. Clinton stated that Twitter and other companies “cannot permit the recruitment and the actual direction of attacks or the celebration of violence by this sophisticated Internet user. They’re going to have to help us take down these announcements and these appeals.”
109. On January 7, 2016, White House officials announced that they would hold high- level discussions with Defendants to encourage them “to do more to block

terrorists” from using their services. “The primary purpose is for government officials to press the biggest Internet firms to take a more proactive approach to countering terrorist messages and recruitment online. . . . That issue has long vexed U.S. counterterrorism officials, as terror groups use Twitter . . . to spread terrorist propaganda, cultivate followers and steer them toward committing violence. But the companies have resisted some requests by law-enforcement leaders to take action . . .”

**Defendants have failed to prevent ISIS from using its services**

110. Despite these appeals, Defendants have failed to take meaningful action.

111. In a January 2011 blog post entitled “The tweets Must Flow,” Twitter co-founder Biz Stone and Twitter General Counsel Alex Macgillivray wrote: “We don’t always agree with the things people choose to tweet, but we keep the information flowing irrespective of any view we may have about the content.”

112. On June 20, 2014, Twitter founder Biz Stone, responding to media questions about ISIS’s use of Twitter to publicize its acts of terrorism, said, “[i]f you want to create a platform that allows for the freedom of expression for hundreds of millions of people around the world, you really have to take the good with the bad.”

113. In September 2014, Twitter spokesperson Nu Wexler reiterated Twitter’s hands-off approach, telling the press, “Twitter users around the world send approximately 500 million tweets each day, and we do not monitor them

proactively.” “The Twitter Rules” reiterated that Twitter “do[es] not actively monitor and will not censor user content, except in exceptional circumstances.” In February 2015, Twitter confirmed that it does not proactively monitor content and that it reviews only that content which is reported by other users as violating its rules.

114. Most technology experts agree that Defendants could and should be doing more to stop ISIS from using its social network. “When Twitter says, ‘We can’t do this,’ I don’t believe that,” said Hany Farid, chairman of the computer science department at Dartmouth College. Mr. Farid, who co-developed a child pornography tracking system with Microsoft, says that the same technology could be applied to terror content, so long as companies were motivated to do so. “There’s no fundamental technology or engineering limitation,” he said. “This is a business or policy decision. Unless the companies have decided that they just can’t be bothered.”
115. According to Rita Katz, the director of SITE Intelligence Group, “Twitter is not doing enough. With the technology Twitter has, they can immediately stop these accounts, but they have done nothing to stop the dissemination and recruitment of lone wolf terrorists.”
116. Even when Defendants shut down an ISIS-linked account, they do nothing to stop it from springing right back up. According to the New York Times, the Twitter account of the pro- ISIS group Asawitiri Media has had 335 accounts. When its account @TurMedia333 was shut down, it started @TurMedia334.

When that was shut down, it started @TurMedia335. This “naming convention — adding one digit to a new account after the last one is suspended — does not seem as if it would require artificial intelligence to spot.” Each of these accounts also used the same user photograph of a bearded man’s face over and over again. In the hours after the shooting attack in San Bernardino, California on December 2, 2015, @TurMedia335 tweeted: “California, we have already arrived with our soldiers. Decide how to be your end, with knife or bomb.”

117. Using this simplistic naming scheme is critical to ISIS’s use of social media.

Without a common prefix, it would be difficult for followers of ISIS accounts to know the new name of the account.

118. Because of the simplistic renaming scheme, Defendants could easily detect names that are likely to be replacement accounts and delete them almost as soon as they are created. Yet Defendants have failed to implement such a basic account detection methodology.

119. Furthermore, ISIS keeps track of the followers of each account. Once an account is deleted by one of the Defendants and then regenerated, ISIS uses a bot to contact each of its followers asking them to connect. This allows ISIS to reconstitute the connections for each account very quickly. Defendants could easily detect such activity but chose not to.

120. Although Defendants proclaim that they do take accounts down including those of ISIS, Defendants do nothing to keep those accounts down. ISIS and other

nefarious groups are dependent upon having a social media network from which to collect money and conduct terrorist operations including recruitment and radicalization.

121. The following example illustrates how Defendants allow ISIS to quickly construct networks of followers. Below is a posting from Twitter captured on June 20, 2016. The individual is named “DriftOne00146” and he proudly proclaims that this is the 146th version of his account. With only 11 tweets, this individual is followed by 349 followers. This is very suspicious activity.

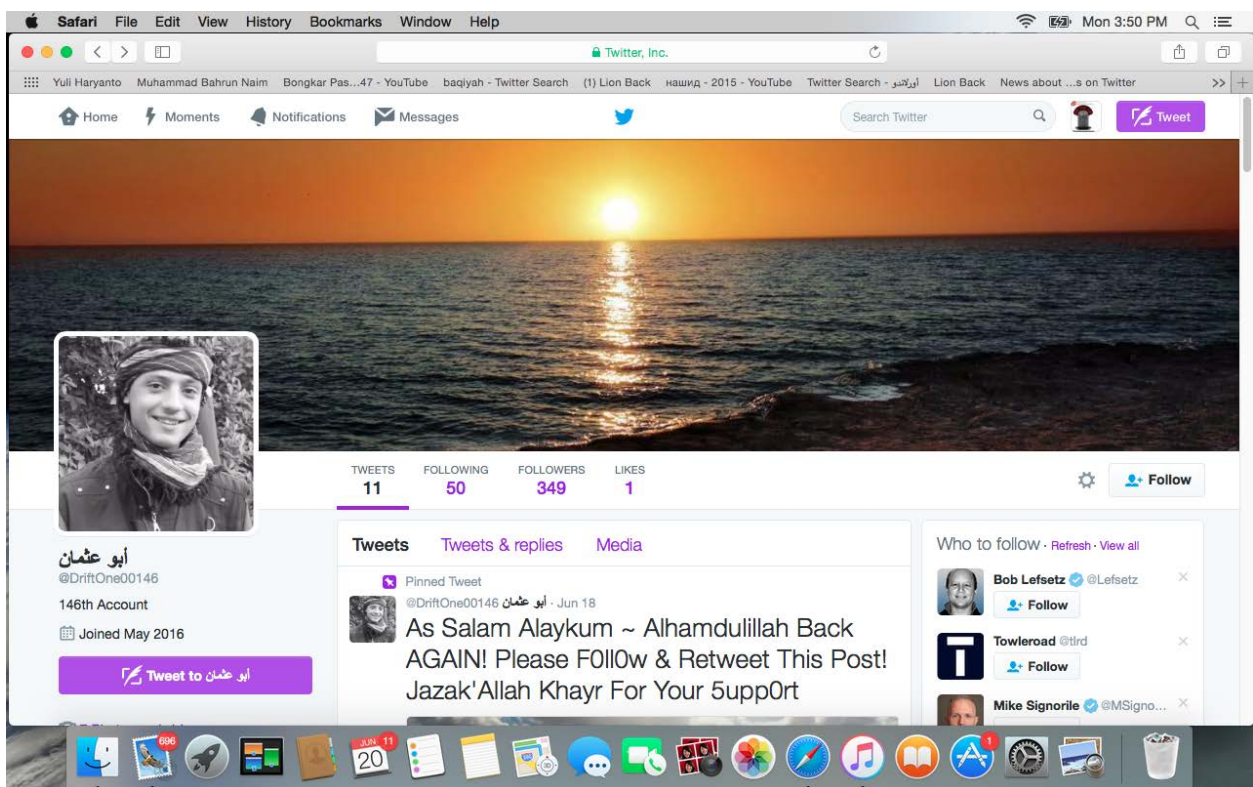
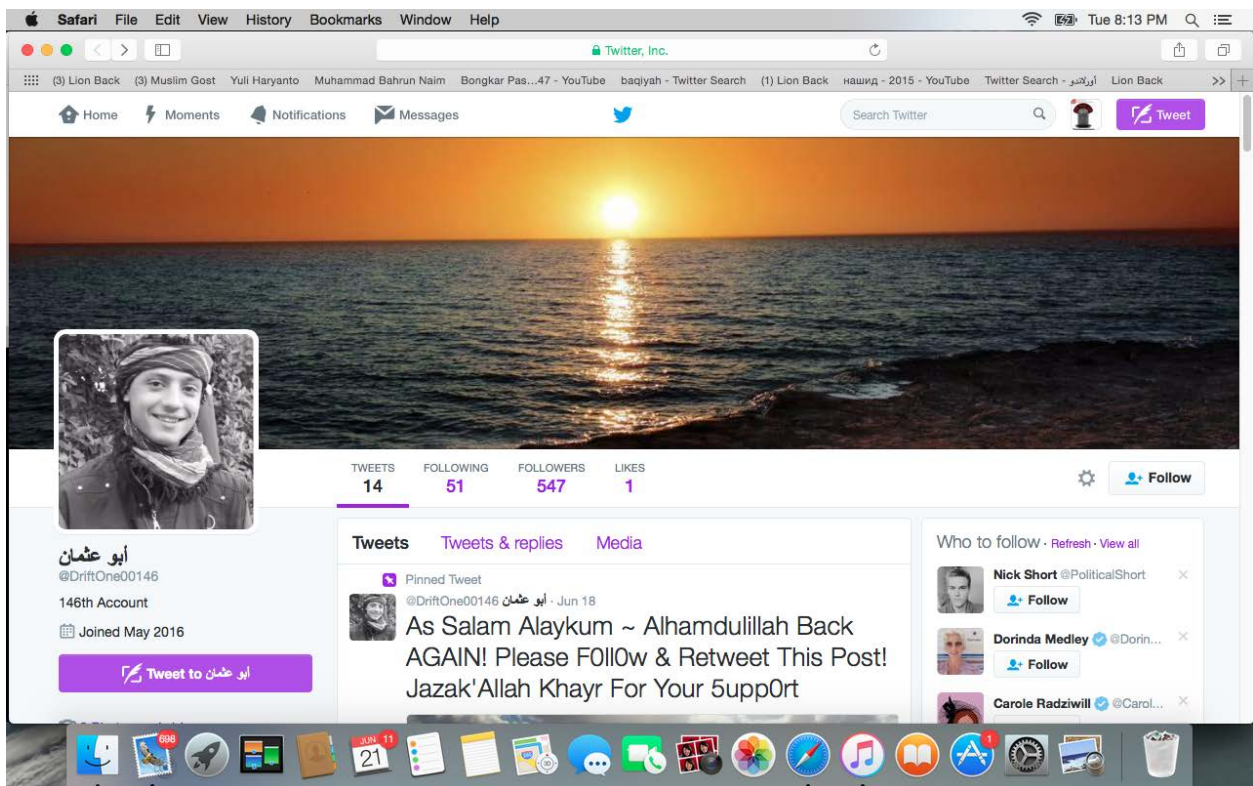


Figure 6: DriftOne00146 posting 06/20/2016

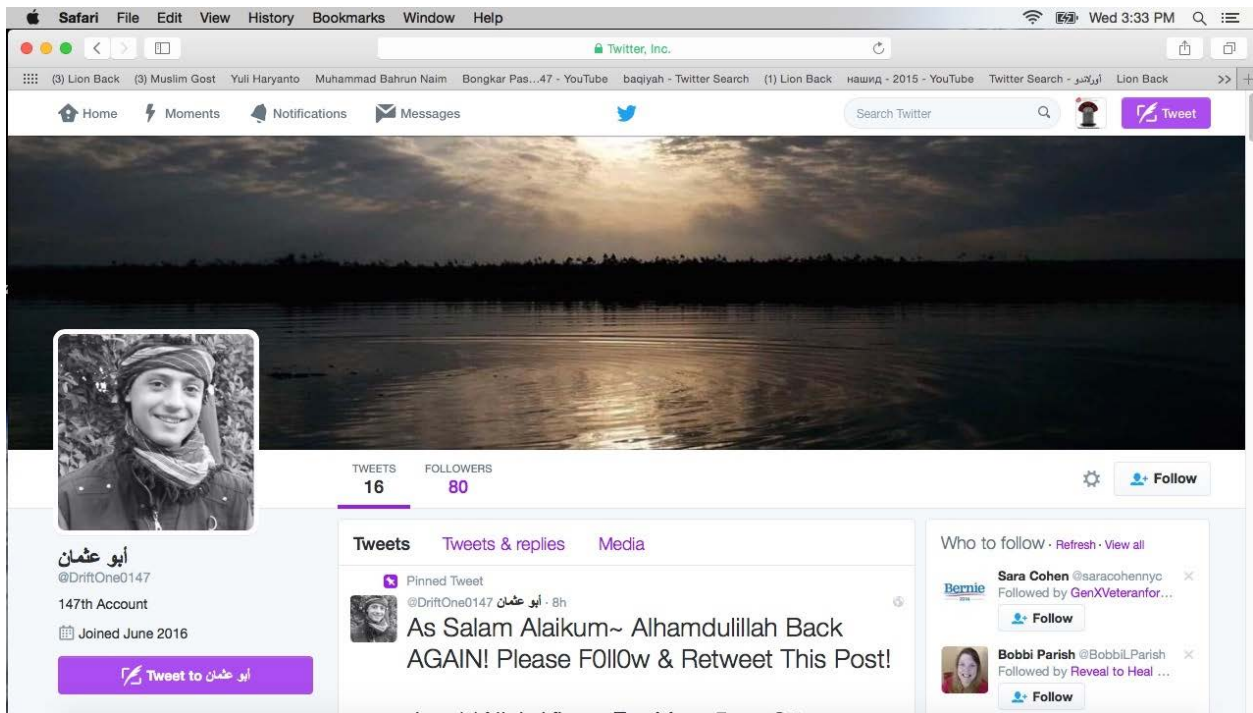
122. The very next day, this individual now has 547 followers with only 3 additional tweets.





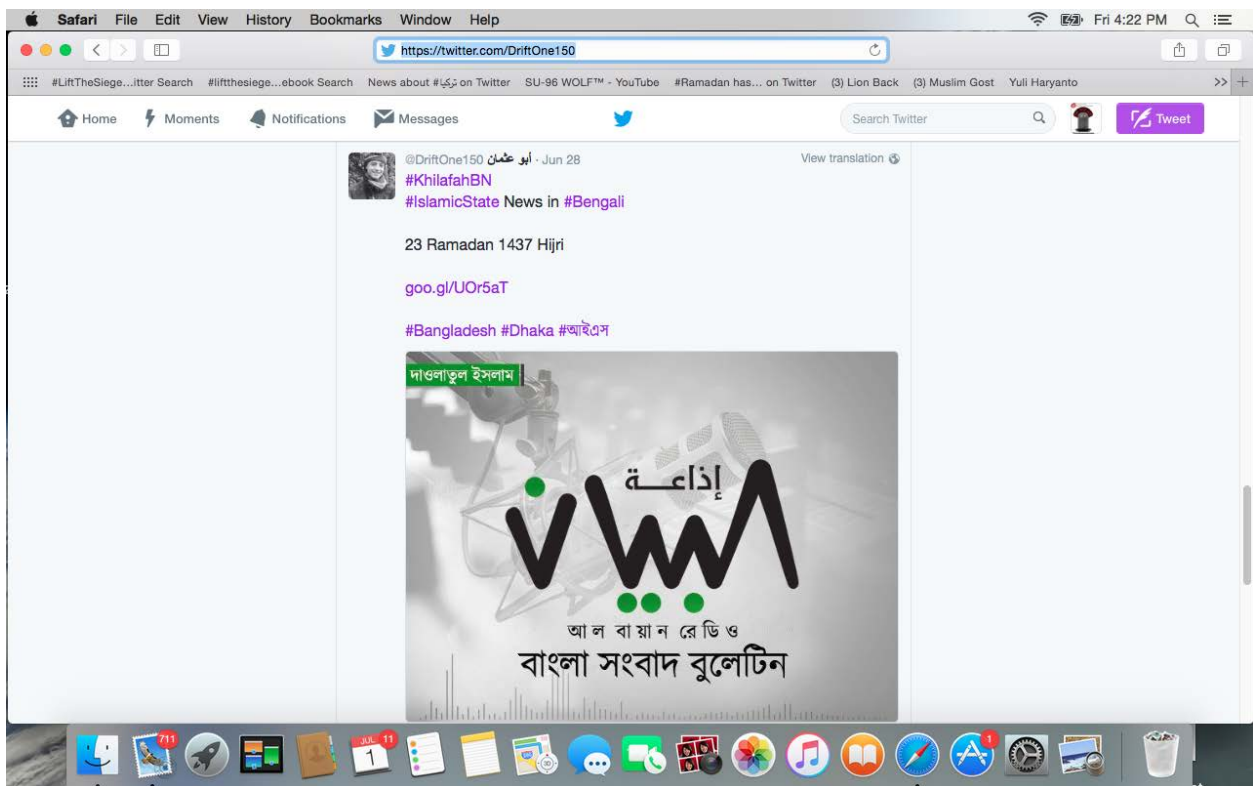
*Figure 7: DriftOne00146 posting June 21, 2016*

123. The next morning, this individual's account was taken down by Twitter. That afternoon, he was back up as DriftOne0147 with 80 followers.



*Figure 8: DriftOne0147 posting June 22, 2016*

124. The very next week on June 28, 2016, the same individual was back up as DriftOne150. Most disturbing is that his posting of #Bangladesh and #Dhaka just three days before the unfortunate ISIS attack in Dhaka, Bangladesh.



*Figure 9: DriftOne150 posting June 28, 2016*

125. The day after the attacks, he is now DriftOne0151 and he posts pictures of those individuals who conducted the attacks.

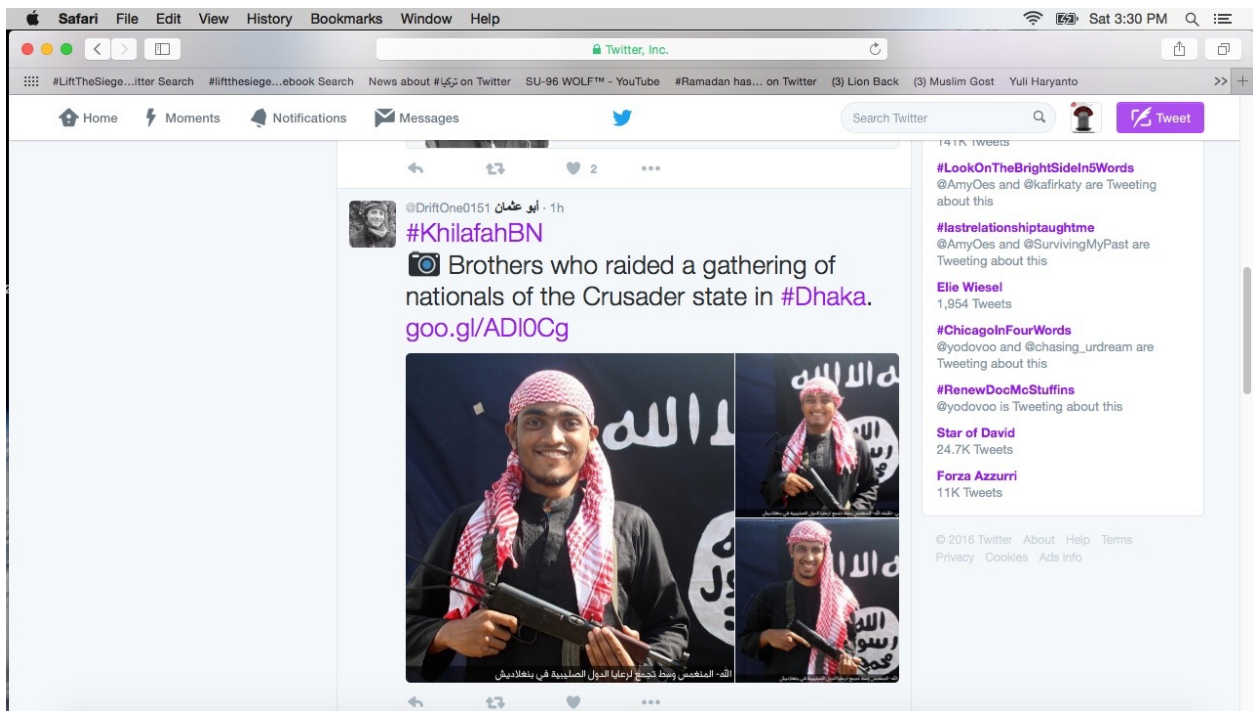


Figure 10: DriftOne0151 posting July 2, 2016

126. What the above example clearly demonstrates is that there is a pattern that is easily detectable without reference to the content. As such, a content-neutral algorithm could be easily developed that would prohibit the above behavior. First, there is a text prefix to the username that contains a numerical suffix. When an account is taken down by a Defendant, assuredly all such names are tracked by Defendants. It would be trivial to detect names that appear to have the same name root with a numerical suffix which is incremented. By limiting the ability to simply create a new account by incrementing a numerical suffix to one which has been deleted, this will disrupt the ability of individuals and organizations from using Defendants networks as an instrument for conducting

terrorist operations.

127. Prohibiting this conduct would be simple for Defendants to implement and not impinge upon the utility of Defendants sites. There is no legitimate purpose for allowing the use of fixed prefix/incremental numerical suffix names. Preventing the use of these names once a similarly named account would not place a significant burden on Defendants to implement nor would it place any “chilling” effect on the use of Defendants’ sites.
128. Sending out large numbers of requests to connect with friends/followers from a newly created account is also suspicious activity. As shown in the “DriftOne” example above, it is clear that this individual must be keeping track of those previously connected. When an account is taken down and then re-established, the individual then uses an automated method to send out requests to all those members previously connected. Thus, accounts for ISIS and others can quickly reconstitute after being deleted. Such activity is suspicious on its face.
129. Clearly, it is not normal activity for a newly created account to send out large numbers of requests for friends and followers immediately after creation. It is further unusual for those connections requests to be accepted in a very short period of time. As such, this activity would be easy to detect and could be prohibited by Defendants in a content-neutral manner as the content is never considered; only the conduct.

130. Furthermore, limiting the rapidity with which a newly created account can send requests to friends/followers would not place a significant burden on Defendants to implement. Once again, such activity is suspicious and suggestive of reconstitution of an account which was deleted by Defendants. In addition, Defendants could easily track that a newly created account similarly named to one previously taken down is sending out large numbers of requests in a very short period of time.

131. Because the suspicious activity used by ISIS and other nefarious organizations engaged in illegal activities is easily detectable and preventable and that Defendants are fully aware that these organizations are using their networks to engage in illegal activity demonstrates that Defendants are acting knowingly and recklessly allowing such illegal conduct. ISIS is dependent on using social media to conduct its terrorist operations. Limiting ISIS' ability to rapidly connect and reconnect to supports. Thus, Defendants knowing and reckless conduct provides material support to ISIS and other nefarious organizations.

132. Notably, while Twitter has now put in place a rule that supposedly prohibits "threats of violence . . . including threatening or promoting terrorism," many ISIS-themed accounts are still easily found on Twitter.com. To this day, Twitter also permits groups designated by the U.S. government as Foreign Terrorist



Organizations to maintain official accounts, including Hamas (@hamasinfo and @HamasInfoEn) and Hizbollah (@almanarnews).

133. On November 17, 2015, the hacking group Anonymous took down several thousand ISIS Twitter accounts. That an external third party could identify and disrupt ISIS Twitter accounts confirms that Twitter itself could have prevented or substantially limited ISIS' use of Twitter.

**Twitter, Facebook, and Google Profit from allowing ISIS to use their services**

134. Astonishingly, Defendants routinely profit from ISIS. Each Defendant places ads on ISIS postings and derives revenue for the ad placement.

135. These ads are not placed randomly by Defendants. Instead, they are targeted to the viewer using knowledge about the viewer as well as information about the content being viewed. The following sites for each Defendant show how targeting works: <https://business.Twitter.com/en/targeting.html>,  
<https://www.facebook.com/business/a/online-sales/ad-targeting-details>,  
<https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pdfs/targeting-onesheet-en.pdf>.

136. By specifically targeting advertisements based on viewers and content, Defendants are no longer simply passing through the content of third parties. Defendants are themselves creating content because Defendants exercise control over what advertisement to match with an ISIS posting. Furthermore,

Defendants' profits are enhanced by charging advertisers extra for targeting advertisements at viewers based upon knowledge of the viewer and the content being viewed.

137. Not only does Defendant Google profit from ISIS, it shares some of those revenues with ISIS. In order for ads to appear associated with a posting on a YouTube video, the poster must create a Google AdSense account. The poster must register the account for monetization<sup>25</sup>.

▼ How can my videos make money?

Once your video is submitted and approved for monetization, YouTube will place ads inside or near the video. After you've associated an AdSense account with your YouTube account, you will earn revenue that is generated from the ads. [Learn more](#)

138. According to Google, each video must be approved in order for ads to be placed. These videos must meet Google's terms of service.

▼ What types of videos are eligible?

For a video to be eligible, you must own worldwide commercial usage rights to everything in the video and the video must abide by our [Terms of Service](#) and [Community Guidelines](#).

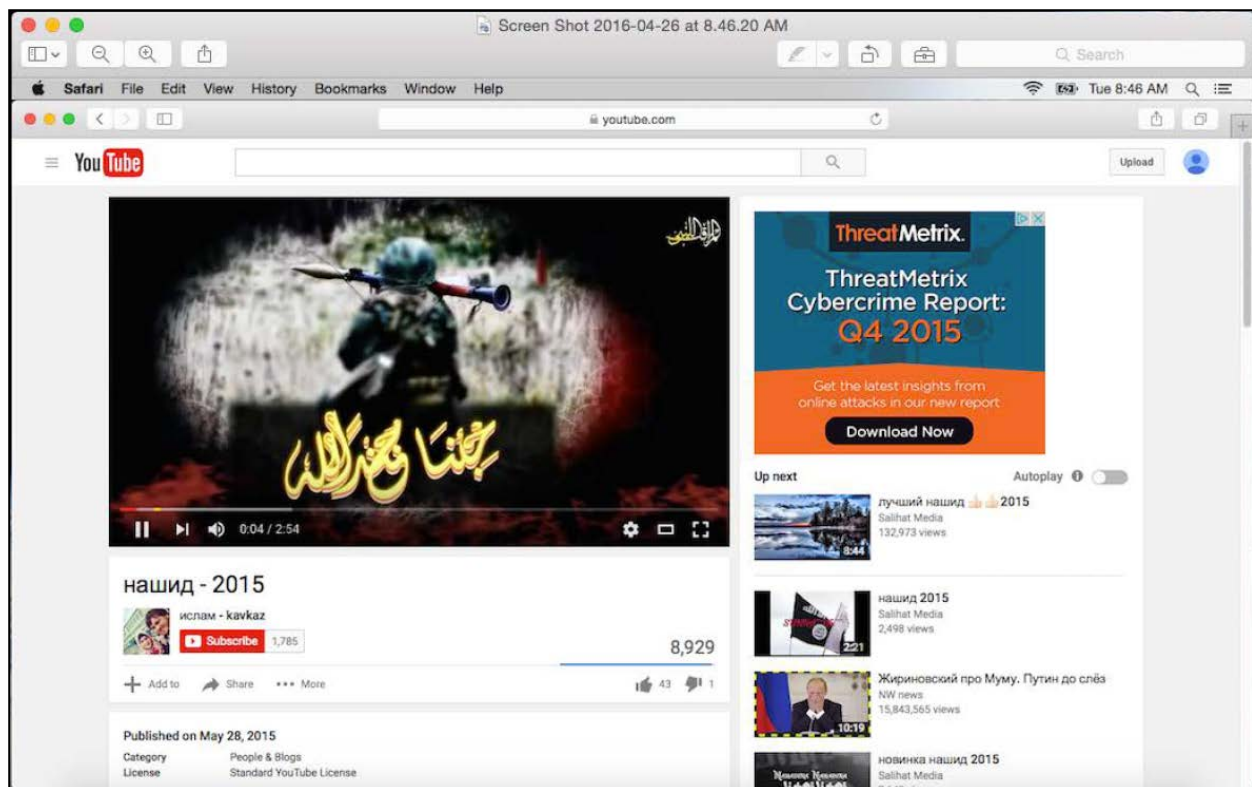
139. Videos that are approved generate revenue for both the poster and for Google. Therefore, according to its terms, if there are ads associated with a YouTube video, the video has been approved by Google, Google is earning revenue from each view of that video, and Google is sharing revenue with the poster.

140. With respect to ISIS, Google has placed ads on ISIS postings.

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<sup>25</sup> [https://www.youtube.com/account\\_monetization](https://www.youtube.com/account_monetization) accessed on 5/24/2016.

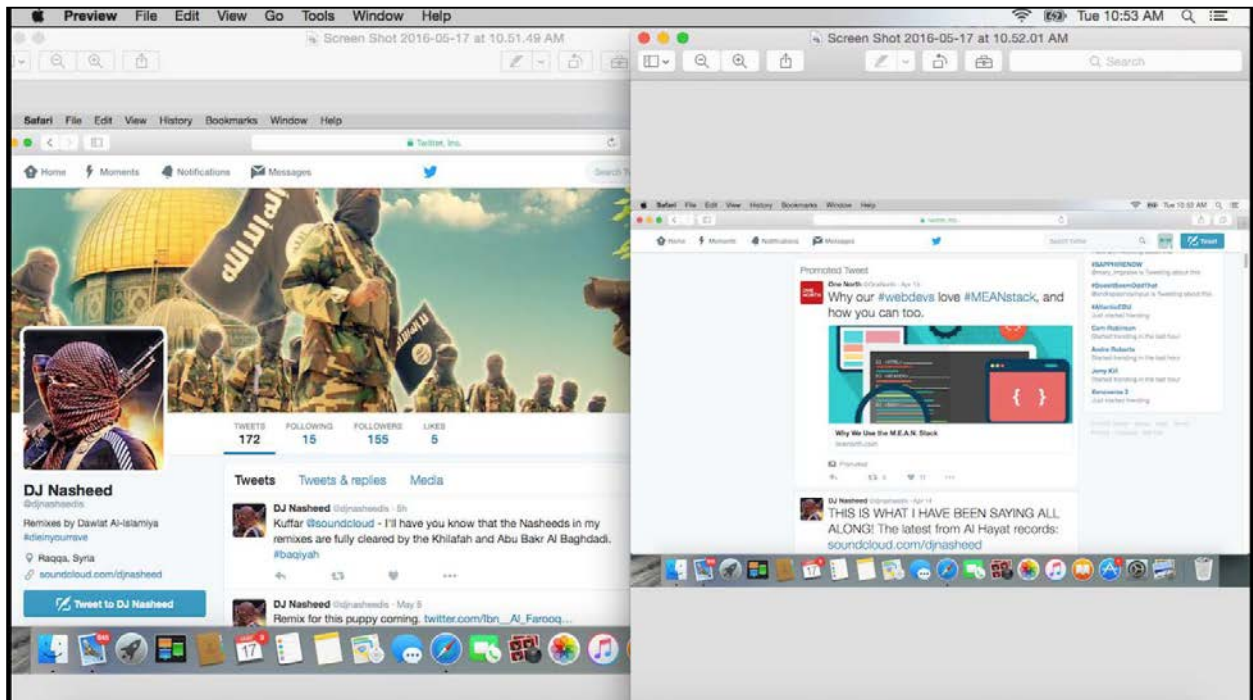




*Figure 11 ISIS video on YouTube with ad place by Google*

141. Given that ad placement on videos requires Google’s specific approval of the video according to Google’s terms and conditions, any video which is associated with advertising has been approved by Google.
142. Because ads appear on the above video posted by ISIS, this means that Google specifically approved the video for monetization, Google earned revenue from each view of this video, and Google shared the revenue with ISIS. As a result, Google provides material support to ISIS.
143. Twitter also profits from material posted by ISIS by routinely placing ads. For example, a view of the account of “DJ Nasheed” on May 17, 2016, shows that Twitter placed an ad for OneNorth for their “M.E.A.N. Stack” offering. As

such, Twitter provides material support to ISIS and is compensated for the effort.



*Figure 12 ISIS post on Twitter with ad placed by Twitter*

144. Facebook also profits from ISIS postings. On May 31, 2016, the following screenshot was collected:



*Figure 13 ISIS post on Facebook with add placed by Facebook*

145. As such, Facebook provides material support to ISIS and is compensated for the effort.

146. Thus, not only does each Defendant provide material support to ISIS by allowing ISIS to make use of their social media sites, each Defendant derives revenue from ISIS postings irrespective of the content of ISIS's postings.

### **The June 12, 2016, Orlando attack**

147. Tevin Eugene Crosby was an ambitious and goal-oriented 25-year-old business owner. Tevin flew to Orlando after a visit with family to watch his nieces and nephews graduate.



Figure 14 Tevin Eugene Crosby

148. On Friday, June 12, 2016, Tevin was enjoying a night in Orlando and attended Latin Night at Pulse Night Club. After arriving, Omar Mateen entered the nightclub and began shooting. Crosby was struck and killed.

149. Javier Jorge-Reyes was a 40-year-old style-conscious and customer-oriented manager at Gucci. Javier was an Orlando resident and a regular attendee of the Pulse Nightclub.



Figure 16 Javier Jorge-Reyes

150. Jorge-Reyes was enjoying a night in Orlando and attended Latin Night at Pulse Night Club. After arriving, Omar Mateen entered the nightclub and began shooting. Javier was struck and killed.



*Figure 15 Juan Ramon Guerrero*

151. Juan Ramon Guerrero was a 22-year-old student who had just finished his first year studying at the University of Central Florida. Juan wanted to be a financial advisor and worked as a customer service rep for a credit union.

152. On Friday, June 12, 2016, Juan and his boyfriend, Christopher Leinonen were enjoying a night in Orlando and attended Latin Night at Pulse Night Club. After arriving, Omar Mateen entered the nightclub and began shooting. Both Juan and Christopher were struck and killed.



Figure 16 *Christopher Leinonen*

153. 32-year-old Christopher Leinonen was known to his friends and family as “Drew”. His partner Juan Guerrero, for whom he had unconditional love was killed along with “Drew” as a result of the shooting massacre at the Pulse nightclub.

154. Moreover, “Drew” Leinonen was a significant activist for gay rights in the Orlando Fla. Area and had recently been awarded the Anne Frank Humanitarian award in recognition of his advocacy.



Figure 17 *Jean Carlos Mendez Perez*



155. Jean Carlos Mendez Perez was 35 years of age and was killed at the Pulse on June 12, 2016, and was remembered as the ‘happiest person on earth” to his family and friends, along with his profound sense of humor.

156. Jean Carlos, was also known as the best salesperson employed at the Perfumania fragrance store in Orlando, where he had met the love of his life, Luis Daniel Wilson who was killed alongside Jean during the shooting massacre.



Figure 18 *Christopher Joseph Sanfeliz*

157. Although only 24 years of age, Christopher Joseph Sanfeliz was a personal broker at J.P. Morgan Bank in Tampa and was profoundly remembered as the most positive influence on others by his close friends and co-workers.

158. On June 12, 2016, Chris enjoyed a night of levity and dancing at the Pulse, only to be gunned down by shooter, Omar Mateen before Chris could complete his life’s journey of showing much love to all of his family and friends.



Figure 19 *Luis Sergio Vielma*

159. At only 22 years of age, Luis Sergio Vielma loved to dance, singing and a profound enjoyment of Harry Potter. His love of community was viewed in his decision to complete training as an EMT at Seminole State College.
160. Luis was employed at Universal Studio in Orlando and worked with love on the Harry Potter Journey Ride. Following his shooting death at the Pulse, J. K. Rowling, author of the Harry Potter series tweeted her love and respect for Luis Velma, noting that Luis, ‘just wanted to make people happy in his life’. Rowling also tweeted, “I just can’t stop crying”.



Figure 20 *Jason Josaphat*



161. Jason B. Josaphat was 19 years old, and the youngest victim of the Orlando shooting massacre. Jason had just recently graduated from high school and was beginning his journey in life, with a passionate interest in photography.

162. On June 12, while attending the Pulse nightclub and enjoying his evening, the massacre began and young Jason attempted to hide in the men's bathroom. He placed a call to his mother and told her loved her, only moments later his life was taken by Omar Mateen.



Figure 21 *Stanley Almodovar III*

163. Stanley Almodovar III was only 23 years old when he was shot and killed during the June 12, 2016, terrorist attack at the Pulse Nightclub, by Omar Mateen. Although quite young, his passion, love, and compassion for others was recognized by his family and friends.

164. Stanley was a pharmacy technician working at two pharmacies in the Orlando area at the time of his death. His work made him proud as he used his skills and knowledge on behalf of his community.



Figure 22 *Chris Littlestar*

165. As the tragedy unfolded at the Pulse on June 12, 2016, 25-year-old Chris Littlestar sought escape in a bathroom stall. Within 5 minutes, terrorist, Omar Mateen stuck his gun over the stall and shot Littlestar 5 times.

166. A young woman applied pressure to his wounds and saved Chris' life. Although his physical injuries are taking time to heal, his mental and emotional memories of staring down the barrel of a gun may haunt him forever.



*Figure 23 Nicolaz Perez*

167. On June 12, 2016, Nickolaz Perez was with friends at the Pulse nightclub celebrating Latino Night with song and dance. As Nick walked outside to get some air, he asked Angel Torres to join him. Just then the killing massacre inside the Pulse took place as Omar Mateen left countless bodies to die. Nick and his friend survived.

168. Although Nick and Angel survived, other friends were wounded and the mother of a dear friend, Brenda Marquez died in the massacre. Sometimes the mental and emotional injuries are longer lasting, as Nick suffers from PTSD, severe emotional distress and stress as a survivor of a terrorist massacre.



Figure 24 *Asael Abad*

169. On June 12, 2016, Asael Abad was out with friends at the Pulse enjoying a wonderful evening. As the shooting massacre began, Asael acted rapidly and heroically in pulling two of his friends safely out the door.

170. Although suffering only minor injuries, the tragic shooting massacre has caused Asael significant mental and psychological trauma. As a recent UCF graduate, he suffers from PTSD causing him significant monetary and emotional injuries.



Figure 25 *Jillian Amador*

171. Jillian Amador suffered significant cuts and trauma from flying glass during the June 12, 2016, terrorist attack at the Pulse nightclub, in Orlando by Omar Mateen.

172. *Although her cuts are healing, Jillian has suffered significant emotional and mental injuries from the shooting massacre. While staying strong, supportive and heroic for so many of her friends who lost loved ones during the shooting, Jillian continues to suffer PTSD and significant emotional damages from the attack. She has not been able to return to Orlando since the tragedy occurred.*

173. A total of 49 people were left dead along with Mateen and 53 others were injured.

174. Shortly after the attack, ISIS claimed responsibility for the shootings. The official news agency of ISIS, Amaq, issued a flash bulletin:

“Breaking News – Source to Amaq. The attack that targeted a nightclub for homosexuals in Orlando, Florida, and left more than one hundred dead and wounded was carried out by an Islamic State fighter.”<sup>26</sup>

175. The group's official radio station, al-Bayan, also asserted that the attack came from ISIS:

"Over 100 Crusaders killed and injured after an attack on their gathering at a nightclub in America."

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<sup>26</sup> <http://www.cbsnews.com/news/mass-shooting-at-orlando-nightclub-pulse-isis-takes-responsibility/>

"We begin from America, where Allah has enabled brother Omar Mateen, one of the soldiers of the Caliphate in America, to carry out a raid where he was able to infiltrate a Crusaders' gathering at a gay nightclub in Orlando, Florida. Allah enabled him to inflict heavy casualties amongst the filthy Crusaders. He killed and injured over a hundred of them. This is the biggest raid to be carried in America after the raid of Manhattan 16 years ago. All praise to Allah."<sup>27</sup>

176. Many Islamist supporters changed their profile pictures on Defendants' sites to Omar Mateen. Screenshots of the scene of the attack and praise for ISIS were also shared by supporters.
177. Once investigations began, FBI analysts concluded Mateen was self-radicalized on the Internet over a period of several years and decided only recently before the attack to embrace Islamic State.<sup>28</sup>
178. FBI analysts found that Mateen watched online jihadist sermons since at least 2012 and more recently had downloaded jihadist material to his laptop computer, including grisly videos of beheadings of captives by militants.<sup>29</sup>
179. DOJ staff also uncovered that during the arrest of Omar Mateen's spouse, Noor Salman, that Mateen specifically utilized ISIS YouTube videos' to be recruited and radicalized.

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<sup>27</sup> <http://time.com/4365507/orlando-shooting-isis-claims-responsibility-terror/>

<sup>28</sup> *Id.*

<sup>29</sup> <http://www.latimes.com/nation/la-na-orlando-cellphone-20160615-snap-story.html>

180. During hearings, the Government confirmed that Mateen also used Facebook during his terrorist attack to pledge his allegiance to the Islamic State and to Abu Bakral-Baghadi<sup>30</sup>.

“I pledge my alliance to (ISIS leader) abu bakr al Baghdadi..may Allah accept me” ... “The real muslims will never accept the filthy ways of the west” ...“You kill innocent women and children by doing us airstrikes..now taste the Islamic state vengeance.”

181. He further utilized ISIS talking points made available from Twitter to urge the United States’ to stop “the air strikes and stop killing innocent women and children”. ( Rukmini Callimachi, Orlando Sentinel-9/26/16).

182. The murders of Plaintiffs’ Decedents and wounding of Plaintiffs by Mateen has caused Plaintiffs severe mental anguish, extreme emotional pain, and suffering, and the loss of Plaintiffs’ Decedents’ society, companionship, comfort, advice, and counsel.

**Defendants’ Material Support of ISIS has a Direct Connection to the June 12, 2016, Orlando Attack and is a Proximate Cause**

183. ISIS’s reputation as an organization that has engaged in and continues to engage in terrorist acts is widespread and has been reported in the world news media.

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<sup>30</sup> Seamus Hughes, Program on Extremism, George Town University

184. ISIS's designation as a Foreign Terrorist Organization is public knowledge that has likewise been widely reported in the world news media.

185. At all times relevant to this Complaint, Defendants have known that ISIS is an organization that has engaged in and continues to engage in terrorist activity.

186. At all times relevant to this Complaint, Defendants have known that ISIS is designated as a Foreign Terrorist Organization.

187. Despite this knowledge, Defendants have for years knowingly provided its Services to ISIS, its members, organizations owned or controlled by ISIS, and organizations and individuals that provide financing and material support to ISIS, including individuals and organizations that are designated as and SDGTs.

188. The identifiers for ISIS-associated Twitter, You-Tube, and Facebook accounts are often publicized on ISIS websites, social media sites, and platforms. Twitter

189. ISIS's news and media organizations operate Twitter, YouTube, and Facebook accounts, and equipment often including separate accounts for Arabic and English.

190. ISIS, its members, and its related entities and affiliates have operated numerous Twitter accounts of the defendants' using their own names and displaying emblems and symbols associated with ISIS and its related terrorist entities.



191. The rise of ISIS has been substantial fueled through their use of Defendants' social media sites which have been used by ISIS for fundraising activities. Furthermore, as discussed above, Defendant Google shares advertising revenue with ISIS.

192. Defendants' sites have been used by ISIS to conduct terrorist operations, including the Orlando attack and have also been used as a recruitment tool and fundraising tool.

193. The FBI believes that the Orlando shooter Omar Mateen was self-radicalized on the Internet and social media.<sup>32</sup>

194. ISIS uses Defendants' sites to radicalize individuals to conduct terrorist activities. Omar Mateen was radicalized by ISIS's use of Defendants' tools to conduct terrorist operations.

195. Even if Mateen had never been directly in contact with ISIS, ISIS' use of social media directly influenced his actions on the night of the Orlando massacre:

researchers, who identified and analyzed second-by-second online records of 196 pro-ISIS groups operating during the first eight months of 2015, found that even though most of the 108,000-plus individual members of these self-organized groups probably never met, they had a striking ability to adapt and extend their online longevity, increase their size and number, reincarnate when shut down — and inspire “lone wolves” with no history of extremism to carry

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<sup>32</sup> *Id.*

out horrific attacks like the nation's deadliest mass shooting at a gay nightclub in Orlando this week.<sup>33</sup>

196. Without the ability to use Defendants' sites as tools to conduct terrorist operations, ISIS would have substantially less funding, substantially less exposure, and would not be able to recruit as many operatives.

197. Money raised through the use of Defendants sites was used by ISIS to conduct terrorist operations including radicalizing Omar Mateen.

198. Individuals recruited by ISIS through the use of Defendants sites allowed ISIS to conduct terrorist operations, including radicalizing Omar Mateen contributing to his decision to launch Orlando attack and murdering Plaintiffs' Decedents and injuring other Plaintiffs.

199. But for ISIS' use of Defendants sites to raise funds, recruit, and conduct terrorist operations, ISIS' ability to conduct terrorist operations would essentially evaporate. Here, had Defendants sites not been used by ISIS, ISIS would not have been able to radicalize Omar Mateen leading to the deadly attack in Orlando.

### **Defendants Are Information Content Providers**

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33 <http://www.homelandsecuritynewswire.com/dr20160620-tracking-analyzing-how-isis-recruits-through-social-media>

200. When individuals look at a page on one of Defendants' sites that contains postings and advertisements, the page has been created by Defendants. In other words, a viewer does not simply see a posting. Nor does the viewer see just an advertisement. Defendants create a composite page of content from multiple sources.

201. Defendants create this page by selecting which advertisement to match with the content on the page. This selection is done by Defendants' proprietary algorithms that select the advertisement based on information about the viewer and the content being viewed. Thus there is a content triangle matching postings, advertisements, and viewers.

202. As discussed above, Defendants tout the ability to target advertisements as a benefit to advertising with the respective networks. Furthermore, Defendants extract a premium from advertisers for the use of targeted advertising.

203. Although Defendants have not created the posting nor have they created the advertisement, Defendants have created new unique content by choosing which advertisement to combine with the posting with knowledge about the viewer.

204. Thus, Defendants have incorporated content from others into Defendant created content for revenue purposes. Defendants' choice to combine certain

advertisements with certain postings for specific viewers means that Defendants are not simply passing along content created by third parties.

205. Specifically, as shown above, Defendants have incorporated ISIS postings along with advertisements matched to the viewer and ISIS postings to create new content for which Defendants have earned revenue. ISIS has received material support as described above allowing them to conduct terrorist operations.

**The Orlando Attack Was An Act of International Terrorism**

206. One of the state goals of ISIS is to use social media including Defendants platforms to radicalize individuals to conduct attacks throughout the world, including the United States.

207. By radicalizing individuals through social media, this allowed ISIS to exert its influence without the necessity of direct physical contact with these individuals. Furthermore, this allows ISIS to incite or participate in attacks without the necessity of sending its own operatives.

208. Thus, an attack in the United States to which ISIS' use of social media caused or contributed is an action by ISIS. Given that ISIS has been declared an international terrorist organization, such an action is an act of international terrorism.

209. Omar Mateen was radicalized by ISIS' use of social media. This was the stated goal of ISIS. Mateen then carried out the deadly attacks in Orlando. Conducting terrorist acts via radicalized individuals is a stated goal of ISIS.

210. Mateen's attack on the Pulse nightclub was a violent act causing death and injury and constitutes numerous criminal acts under the laws of the United States.

211. ISIS intended to intimidate and coerce western populations and governments through a pattern of intimidation and coercion as discussed throughout Plaintiff's First Amended Complaint.

212. ISIS acts from outside the United States using Defendants' platforms in a manner and transcend national boundaries because of the international usage of Defendants' platforms.

213. But for ISIS' postings using Defendants' social media platforms, Mateen would not have engaged in his attack on the Pulse nightclub.

214. Mateen's terrorist actions were a direct result of ISIS' actions and given that ISIS is an international terrorist organization, Mateen's actions were also an act of international terrorism.

### **CLAIMS FOR RELIEF**

### **FIRST CLAIM FOR RELIEF**

**LIABILITY FOR AIDING AND ABETTING**  
**ACTS OF INTERNATIONAL TERRORISM**  
**PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

215. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs as if fully set forth herein.

216. Since October 31, 2001, ISIS has been international terrorist organization.

217. ISIS has committed, planned, or authorized activities that involved violence or acts dangerous to human life that are a violation of the criminal laws of the United States, or that would be a criminal violation if committed within the jurisdiction of the United States, including *inter alia* the prohibition on killing, attempting to kill, causing serious bodily injury, or attempting to cause serious bodily injury to U.S. citizens as set forth in 18 U.S.C. § 2332.

218. These activities committed, planned, or authorized by ISIS appear to have been, and were intended to: (a) intimidate or coerce the civilian population of the United States and other countries; (b) influence the policy of the Governments of the United States and other countries by intimidation or coercion; or (c) affect the conduct of the Governments of the United States and other countries by mass destruction, assassination, or kidnapping.

219. These activities committed, planned, or authorized by ISIS occurred entirely or primarily outside of the territorial jurisdiction of the United States and constituted acts of international terrorism as defined in 18 U.S.C. § 2331(1).

220. Plaintiffs have been injured in their person by reason of the acts of international terrorism committed, planned, or authorized by ISIS. At all times relevant to this action, Defendants knew that ISIS was a Foreign Terrorist Organization, that it had engaged in and continued to engage in illegal acts of terrorism, including international terrorism.

221. Defendants knowingly provided substantial assistance and encouragement to ISIS, and thus aided and abetted ISIS in committing, planning, or authorizing acts of international terrorism, including the acts of international terrorism that injured Plaintiffs.

222. By aiding and abetting ISIS in committing, planning, or authorizing acts of international terrorism, including acts that caused Plaintiffs to be injured in his or her person and property, Defendants are liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that Plaintiffs have sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

223. The services and support that Defendants purposefully, knowingly or with willful blindness provided to ISIS constitute material support to the preparation

and carrying out of acts of international terrorism, including the attack in which Plaintiffs' Decedents were killed.

224. Defendants' provision of material support to ISIS was a proximate cause of the injury inflicted on Plaintiffs.

225. By virtue of its violations of 18 U.S.C. § 2339A, Defendants are liable pursuant to 18 U.S.C. § 2333 for any and all damages that Plaintiffs have sustained.

## **SECOND CLAIM FOR RELIEF**

### **LIABILITY FOR CONSPIRING IN FURTHERANCE OF ACTS OF INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

226. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs as if fully set forth herein.

227. Defendants knowingly agreed, licensed, and permitted ISIS, its affiliates, and other radical groups to register and use Defendants' sites to promote and carry out ISIS's activities, including ISIS's illegal acts of international terrorism and injured Plaintiffs.

228. Defendants were aware that U.S. federal law prohibited providing material support and resources to, or engaging in transactions with, designated foreign terrorist organizations and other specially designated terrorists.



229. Defendants thus conspired with ISIS in its illegal provision of Defendants' sites and equipment to promote and carry out ISIS's illegal acts of international terrorism, including the acts that injured Plaintiffs.

230. By conspiring with ISIS in furtherance of ISIS's committing, planning, or authorizing acts of international terrorism, including acts that caused each of the Plaintiffs to be injured in his or her person and property, Defendants are liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that Plaintiffs have sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

### **THIRD CLAIM FOR RELIEF**

#### **PROVISION OF MATERIAL SUPPORT TO TERRORISTS IN VIOLATION OF 18 U.S.C. § 2339a AND 18 U.S.C. § 2333**

231. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs as if fully set forth herein.

232. The online social media platform and communication services which Defendants knowingly provided to ISIS, including use of Defendants' services, computers, and communications equipment, substantially assisted ISIS in carrying out its terrorist activities, including recruiting, radicalizing, and instructing terrorists, raising funds, creating fear and carrying out attacks among other things.

233. These services and equipment constituted material support and resources pursuant to 18 U.S.C. § 2339A and they facilitated acts of terrorism in violation of 18 U.S.C. § 2332 that caused the deaths and injury of more than 100 individuals at the Pulse nightclub in Orlando.

234. Defendants provided these services and equipment to ISIS, knowing that they were to be used in preparation for, or in carrying out, criminal acts including the acts that injured the Plaintiffs.

235. As set forth more fully above, but for the material support and resources provided by ISIS, the attack that injured the Plaintiffs would have been substantially more difficult to implement.

236. By participating in the commission of violations of 18 U.S.C. § 2339A that have caused the Plaintiffs to be injured in his or her person, business or property, Defendants are liable pursuant to 18 U.S.C. § 2333 for any and all damages that Plaintiffs have sustained as a result of such injuries.

#### **FOURTH CLAIM FOR RELIEF**

#### **PROVISION OF MATERIAL SUPPORT AND RESOURCES TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION IN VIOLATION OF 18 U.S.C. § 2339B(a)(1) AND 18 U.S.C. § 2333(a)**

237. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs as if fully set forth herein.

238. By knowingly (or with willful blindness) providing their social media platforms and communications services, including use of computer and communications equipment, for the benefit of ISIS, Defendants have provided material support and resources to a designated Foreign Terrorist Organization under the Antiterrorism and Effective Death Penalty Act of 1996 in violation of 18 U.S.C. § 2339B(a)(1).

239. Defendants knew of (or was willfully blind to) ISIS' terrorist activities.

240. Defendants knew (or was willfully blind to the fact) that ISIS had been designated a Foreign Terrorist Organization by the United States Government.

241. The Services and support that Defendants purposefully, knowingly or with willful blindness provided to ISIS constitute material support to the preparation and carrying out of acts of international terrorism, including the attack in which the Plaintiffs were killed or injured.

242. The Defendants' provision of material support to ISIS was a proximate cause of the injury inflicted on Plaintiffs.

243. Defendants' violation of 18 U.S.C. § 2339B proximately caused the damages to Plaintiffs described herein.

244. By knowingly (or with willful blindness) providing material support to a designated Foreign Terrorist Organization, Defendants are therefore civilly liable for damages to Plaintiffs for his injuries pursuant to 18 U.S.C. § 2333(a).

**FIFTH CLAIM FOR RELIEF**

**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

245. Plaintiffs repeat and reallege each of the foregoing allegations with the same force and effect as if more fully set forth herein.

246. Defendants engaged in negligent behavior by providing services to ISIS.

247. Defendants' acts of providing services to ISIS constituted a willful violation of federal statutes, and thus amounted to a willful violation of a statutory standard.

248. As a direct, foreseeable and proximate result of the conduct of Defendants as alleged hereinabove, Plaintiffs has suffered severe emotional distress, and therefore Defendants are liable to the Plaintiffs for Plaintiffs' severe emotional distress and related damages.

**SIXTH CLAIM FOR RELIEF**

**WRONGFUL DEATH**

249. Plaintiffs repeat and re-allege each of the foregoing allegations with the same force and effect as if more fully set forth herein.

250. Each of the Defendants' provides services to ISIS that, among other things, substantially assist and contribute to ISIS's ability to carry out its terrorist activities.

251. As set forth more fully above, but for the assistance provided by the Defendants' the terrorist attack that killed each of Plaintiffs' Decedents herein, would have been substantially more difficult to implement.
252. The conduct of each Defendant party was unreasonable and outrageous and exceeds the bounds usually tolerated by decent society, and was done willfully, maliciously and deliberately, or with reckless indifference to the life of the victims of ISIS's terrorist activity, Plaintiffs herein.
253. The conduct of each Defendant was a direct, foreseeable and proximate cause of the wrongful deaths of each of Plaintiffs' Decedents and therefore the Defendants' are liable to Plaintiffs for their wrongful deaths.
254. Each of the Defendants actions were undertaken willfully, wantonly, maliciously and in reckless disregard for plaintiff's rights, and as a direct, foreseeable and proximate result thereof plaintiffs suffered economic and emotional damage in a total amount to be proven at trial, therefore plaintiffs seek punitive damages in an amount sufficient to deter Defendants from similar future wrongful conduct.

### **PRAYER FOR RELIEF**

1. WHEREFORE, Plaintiffs request that this Honorable Court:

- a) Accept jurisdiction over this action;
- b) Enter judgment against Defendants and in favor of Plaintiffs for compensatory damages in an amount to be determined at trial;
- c) Enter judgment against Defendants and in favor of Plaintiffs for treble damages pursuant to 18 U.S.C. § 2333;
- d) Enter judgment against Defendants and in favor of Plaintiffs for any and all costs sustained in connection with the prosecution of this action, including attorneys' fees, pursuant to 18 U.S.C. § 2333;
- e) Order any equitable relief to which Plaintiffs might be entitled;
- f) Enter an Order declaring that Defendants have violated, and are continuing to violate, the Anti-Terrorism Act, 18 U.S.C. § 2331 *et seq.*; and
- g) Grant such other and further relief as justice requires.

**DEMAND FOR TRIAL BY JURY**

Plaintiffs hereby demand a trial by jury of all issues so triable.

Dated: March 31, 2017

Respectfully Submitted,

**EXCOLO LAW, PLLC**

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